

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

GARY L. GAINES,)	
)	
Plaintiff,)	
)	
v.)	No. CIV 09-190-JHP-SPS
)	
UNITED STATES MARSHALS)	
SERVICE, et al.,)	
)	
Defendants.)	


OPINION AND ORDER
DENYING MOTION FOR APPOINTMENT OF COUNSEL

Plaintiff has filed a motion requesting the court to appoint counsel [Docket No. 29]. He bears the burden of convincing the court that his claim has sufficient merit to warrant appointment of counsel. *McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir. 1985) (citing *United States v. Masters*, 484 F.2d 1251, 1253 (10th Cir. 1973)). The court has carefully reviewed the merits of plaintiff's claims, the nature of factual issues raised in his allegations, and his ability to investigate crucial facts. *McCarthy*, 753 F.2d at 838 (citing *Maclin v. Freake*, 650 F.2d 885, 887-88 (7th Cir. 1981)). After considering plaintiff's ability to present his claims and the complexity of the legal issues raised by the claims, the court finds that appointment of counsel is not warranted. *See Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991); *see also Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995). ACCORDINGLY, plaintiff's motion [Docket No. 29] is DENIED.

Regarding plaintiff's inquiry in the motion about whether all defendants have been

served, the Court Clerk is directed to send plaintiff a copy of the docket sheet for this case.

IT IS SO ORDERED this 31st day of August 2009.



James H. Payne
United States District Judge
Eastern District of Oklahoma